

Ingram,
Johnson,
Kearby,

Sims,
Tyler,
Townsend,

Senate bill No. 11, entitled, "An act to amend articles 2974, 2978, and 2979, of title 54, revised civil statutes of the State of Texas."

Was taken up on its second reading and read with favorable committee report.

At the request of Senator Carter the further consideration of this bill was postponed until the bill could be printed.

The secretary read, at the request of the chair, the following notices:

Senator O'Neil to be chairman of the committee on State Affairs, and a member of Judiciary No. 1, Judicial Districts, Finance, Penitentiaries and Educational committees.

The chair appointed as pages in the place of Edgar Brown, Val Giles and Claude Daniels the following: Homer Ray, Allen Neal Kearby and Willie Tolbert.

The following announcement was read:

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Capt. Wilson, the clerk of the Educational committee, having resigned his position, I have appointed Sam Houston as such clerk for the special session of the Legislature. Respectfully,

Glassecock,
Chairman Committee on Education.

The following was sent up by Senator Cranford, and read by the secretary:

Mr. President — Please announce that committee on Apportionment will meet at Finance committee room every day at 3 o'clock.

On motion of Senator Harrison the Senate adjourned to tomorrow morning at 10 o'clock.

FOURTH DAY

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, Thursday, March 17, 1892.
Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following senators answering to their names:

PRESENT—27.

Atlee,	Kimbrough,
Burney,	Lubbock,
Clemens,	Mott,
Crane,	O'Neal,
Carter,	Potter,
Cranford,	Page,
Finch,	Pope,
Frank,	Searcy,
Glassecock,	Simkins,
Garwood,	Sims,
Harrison,	Tyler,
Ingram,	Townsend,
Johnson,	Weisiger,
Kearby,	

ABSENT—2.

Clark, Seale.

Prayer by the Chaplain Dr. Smoot.

Pending the reading of the Journal, on motion of Senator Finch, the further reading of the same was dispensed with.

On motion of Senator Glassecock the Journal of yesterday was corrected changing the word "affairs" to "appeals" in the caption of memorial introduced by Senator Carter.

And on motion of Senator Potter the Journals to this date were corrected to show that Senator Stephens was indefinitely excused.

PETITIONS AND MEMORIALS.

By Senator Burney:

Petition of the citizens of Tom Green county, asking that this county be placed in the southwestern district of the Court of Appeals, and that the sitting of said court be placed at either San Antonio or Austin.

Read first time and referred to Judiciary committee No. 1.

REPORTS OF STANDING COMMITTEES.

The following reports were handed in from their respective committees:

COMMITTEE ROOM,
Austin, March 17, 1892. }
Hon. Geo. C. Pendleton, President of the Senate:
Sir—Your committee on Judicial Districts to whom was referred

Senate bill No. 3, being a bill to be entitled, "An act to define the Nineteenth Judicial District of the State of Texas and to fix and define the times of holding court therein,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Townsend, Chairman.

COMMITTEE ROOM. }
Austin, March 16, 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared,

Senate Joint Resolution No. 1, authorizing the Governor of the State of Texas to collect all money due the State of Texas from the United States Government by reason of the direct tax of 1861, and to provide for the disbursement thereof,

And find the same correctly engrossed,

Carter, Chairman.

BILLS AND RESOLUTIONS.

By Senator Clemens:

A bill to be entitled, "An act to regulate elections, and to provide for printing and distributing election ballots, at the public expense in cities and towns containing 10,000 inhabitants, and over, and authorizing cities and towns of less than 10,000 inhabitants to adopt the provisions of this act.

Read first time and referred to Judiciary committee No. 1.

By Senator Kearby:

An act entitled, "An act to define perpetuities, to prohibit, regulate and limit the ownership of real estate within this State by corporations, and to provide for the condemnation and sale thereof.

Read first time and referred to Judiciary committee No. 2.

ORDER OF BUSINESS.

Senate bill No. 1, entitled, "An act to empower the State Board of Education to procure for use in the public free schools of the State of Texas a series of text books, defining the duties of certain officers therein named, with reference thereto, making appropriations therefor, defining certain misdemeanors, providing penalties for the violation of the provisions of this act, and defining an emergency."

On its second reading.

Bill read with favorable committee report.

Senator Page offered the following amendment: Amend by striking out section 14 and insert the following: "The provision of this act shall not be compulsory in their application to cities and towns which have assumed control of their schools. Such cities and towns, however, may avail themselves of its provisions under such regulations as the State Board of Education may prescribe."

Senator Harrison offered the following amendment to the amendment of Senator Page, which was accepted by him: "Amend by inserting after the word 'assumed,' in line 4, 'or may hereafter assume.'"

Senator Frank offered the following substitute to the amendment:

Amend by striking out section 14 and insert the following in lieu thereof: "Section 14. Any city, town or district which has levied a local tax of not less than twenty cents on the \$100 valuation, or a sufficient local tax to continue the public schools of such town, city or district for a term of eight school months in each scholastic year, or makes an appropriation from other funds equivalent to one of the above requirements shall be exempt from the provisions of this act."

Lost by the following vote:

YEAS—10.

Clark,	Mott,
Crane,	O'Neal,
Frank,	Searcy,
Kimbrough,	Tyler,
Lubbock,	Townsend,

NAYS—19.

Atlee,	Johnson,
Burney,	Kearby,
Clemens,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Seale,
Glasscock,	Simkins,
Garwood,	Sims,
Harrison,	Weisiger,
Ingram,	

Question recurring to Senator Page's amendment as amended, it was adopted by the following vote:

YEAS—23.

Atlee,	Lubbock,
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Burney,	Mott,
Clemans,	O'Neal,
Crane,	Potter,
Cranford,	Page,
Frank,	Seale,
Glasscock,	Searcy,
Garwood,	Simkins,
Harrison,	Tyler,
Ingram,	Townsend,
Johnson,	Weisiger.
Kimbrough,	

NAYS—5.

Clark,	Kearby,
Carter,	Sims.
Finch,	

Senator Page offered the following amendment:

Amend section 9, line 1, by striking out 1891 and inserting 1892. Also by striking out the words, "1891 and."

Adopted.

Senator Page offered the following amendment:

Amend section 2 by striking out all after the word "English," in line 24, down to and including the word "provided," in line 27, and insert the following: "The Board shall have full power in making contracts to provide for the exchange of all books in actual use in the schools of the State, for books of the system adopted, and to determine the price of books so exchanged."

Adopted.

Senator Crane offered the following as a substitute for the pending bill:

A bill to be entitled, "An act to provide for the adoption of school text books for use in the public free schools in the State of Texas, to regulate contracts with publishers for such school books and to provide for the enforcement of such contracts."

Section 1. Be it enacted by the Legislature of the State of Texas: That each board of trustees of the public free schools of this State shall determine by a majority vote of all the members, the school text books that shall be used in the schools under its control; provided that the school books now in use therein shall not be changed except at a meeting called for that purpose, of which ten days notice shall have been given by publication in some newspaper in the locality, or if there be no newspaper so published, by written or printed notices posted on the door of the school house or school houses of the district.

Section 2. Each board of trustees is hereby authorized to contract with the publishers of the books adopted or used in their respective districts to furnish such books to the board or to an agent or agents designated by the board, provided that the contract prices of such books shall not exceed the lowest contract prices granted or allowed to any state, county, city or district in the United States or to any individual or corporation therein; and provided that such contract shall guarantee to each district any further reduction that may be made elsewhere during the term of such contract, and that the books furnished in pursuance of such contract, shall equal in quality, material and binding the books deposited as samples with the state superintendent of public instruction, and provided further that the board may designate a dealer or dealers in books to provide and handle the books for such school district at such increase of the contract price to cover the cost of transportation and handling as may be agreed upon between the board and such dealer or dealers; provided, that each local board may without such contract authorize the use in their schools of such supplementary readers, histories, etc. as they may think desirable for their respective schools.

Section 3. Before any publisher of school books shall be permitted to enter into contract with any board of trustees of the public free schools of this State, under the provision of this act, he shall file in the office of the State Superintendent, copies of the latest and best editions of such school books published by him as may be used in the schools of this State, together with the lowest price list at which such books are offered in the market, or furnished by any state, county, city or district in the United States or to any individual or corporation therein, and shall also submit to the State Superintendent of Public Instruction to be approved by him, a good and sufficient bond in the sum of not less than ten thousand dollars (\$10,000) and not more than twenty-five thousand (\$25,000), the amount to be fixed by the State Superintendent of Public Instruction, for the faithful performance of the conditions of such contracts and the faithful observance of the requirements of this act.

Section 4. Upon the filing of a written complaint with the state superintendent of public instruction by any

board of trustees charging any publisher with violating the conditions of such contract as hereinbefore mentioned, the attorney general or county attorney, upon notice of such violation shall investigate the same, and if he finds probable cause of action, he shall begin proceedings in the name of the state to enforce the liability of the bond hereinbefore mentioned.

Section 5. After any school text book has been regularly adopted in any district or in any incorporated town or city as provided for in this act, it shall not be changed for the term of five (5) years from the date of such adoption, unless by a majority vote of the patrons of said school in which the change is sought to be made, and no change shall then be made except by a two-thirds vote of all the members of the board of trustees, or by a majority vote of the patrons of the particular school in which the change is sought to be made as aforesaid.

Senator Burney moved that the consideration of the bill be postponed until this substitute can be published in the Journal of today.

Adopted

On motion of Senator Cranford the Senate adjourned until tomorrow morning at 10 o'clock.

FIFTH DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, Friday, March 18, 1892.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—29.

Atlee,	Kimbrough,
Burney,	Lubbock,
Clark,	Mott,
Clemens,	O'Neal,
Crane,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Seale,
Frank,	Searcy,
Glasscock,	Simkins,

Garwood,
Harrison,
Ingram,
Johnson,
Kearby,

Sims.
Tyler,
Townsend,
Weisiger.

Prayer by the Chaplain Dr. Smoot.

Pending the reading of the Journal, on motion of Senator Cranford, the further reading of the same was dispensed with.

The following report was handed in from committee:

COMMITTEE ROOM,

Austin, March 16, 1892.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared,

Senate bill No. — being "An act making an appropriation to pay the bonded debt of the State of Texas now held by individuals, and falling due March 1, and April 1, 1892,"

And find the same correctly engrossed.

Carter, Chairman.

BILLS AND RESOLUTIONS.

By Senator Glasscock:

A bill to be entitled "An act to amend Clause 5, Article 3703, Chapter 3, Title 78, of the revised civil statutes pertaining to free schools and public education, so as to make the same conform to joint resolution No. 19 of the Twenty-second Legislature, approved April 28, 1891, amending Section 5, Article 7 of the Constitution of the State of Texas.

Read first time and referred to committee of Education.

By Senator Pope:

A bill to be entitled "An act in reference to holding elections and to repeal Sections 1673, 1674, 1675, 1681, 1682, 1683, 1689, 1690, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702 of the revised civil statutes of the State of Texas, and Chapter, 112 of the Acts of the Legislature approved April 18, 1879; also Chapter 51, Acts of the Eighteenth Legislature; also Chapter 31 of the laws of 1887, approved March 14, 1887.

Read first time and referred to Judiciary committee No. 1.

Senator Kearby offered the following resolution which was adopted by a rising vote:

Whereas, It has pleased the Supreme Ruler of the universe to remove